

AMENDED IN ASSEMBLY JULY 1, 2005

AMENDED IN SENATE APRIL 26, 2005

AMENDED IN SENATE APRIL 13, 2005

**SENATE BILL**

**No. 1102**

**Introduced by Senator Hollingsworth**

February 22, 2005

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*An act to amend Section 24002 of, and to add Sections 430.5, 9955, and 24004.5 to, the Vehicle Code, relating to vehicles. An act to add Sections 473, 21720, and 21721 to the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1102, as amended, Hollingsworth. ~~Nonhighway vehicles~~ *Pocket bikes: restrictions and manufacturer registration.*

*(1) Existing law regulates the operation of vehicles and combinations of vehicles upon the highways, imposes certain disclosure requirements on the sale of motor vehicles and vehicles by licensed dealers, and imposes sanctions for violating these regulations and requirements.*

*This bill would prohibit the operation of a pocket bike on a sidewalk, roadway, or any other part of a highway, or on a bikeway, bicycle path or trail, equestrian trail, hiking or recreational trail, or on public lands open to off-highway motor vehicle use. The bill would authorize a peace officer, as defined, to cause the removal and seizure, for a specified minimum period, of a pocket bike that is found to be operating on a highway in a violation of the offense, created by the bill, prohibiting the operation of a pocket bike on a sidewalk, roadway, or any other part of a highway, or on a bikeway, bicycle path or trail, equestrian trail, hiking or recreational trail, or on public*

lands open to off-highway motor vehicle use. The bill would authorize a city, county, or city and county to adopt a regulation, ordinance, or resolution imposing charges equal to its administrative costs relating to the removal, seizure, and storage costs of a pocket bike, as provided.

Because under existing law a violation of the Vehicle Code is a crime, the bill would impose a state-mandated local program by creating new crimes.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~(1) Existing law regulates the operation of a vehicle and combination of vehicles that is an unsafe conditions or that is not safely loaded, and that presents an immediate safety hazard. Existing law imposes certain disclosure requirements on the sale of motor vehicles and vehicles by licensed dealers, and imposes sanctions for violating these regulations and requirements.~~

~~This bill would require a manufacturer who furnishes or gives a nonhighway vehicle, as defined by the bill, to provide a specific written disclosure indicating that the operation of a nonhighway vehicle on a highway is prohibited.~~

~~The bill would prohibit the operation of a nonhighway vehicle upon the highway and would authorize a peace officer to cause the removal and impoundment of a nonhighway vehicle operating on a highway in violation of the bill.~~

~~(2) Because under existing law it is a crime to violate the Vehicle Code, this bill would impose a state-mandated local program by creating new crimes.~~

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 473 is added to the Vehicle Code, to*  
2 *read:*

3     473. (a) *A “pocket bike” is a two-wheeled motorized device*  
4 *that has a seat or saddle for the use of the rider, and that is not*  
5 *designed or manufactured for highway use. “Pocket bike” does*  
6 *not include an off-highway motorcycle, as defined in Section 436.*

7     (b) *For purposes of this section, a vehicle is designed for*  
8 *highway use if it meets the applicable Federal Motor Vehicle*  
9 *Safety Standards, as contained in Title 49 of the Code of Federal*  
10 *Regulations, and is equipped in accordance with the*  
11 *requirements of this code.*

12     *SEC. 2. Section 21720 is added to the Vehicle Code, to read:*

13     21720. *A pocket bike shall not be operated on a sidewalk,*  
14 *roadway, or any other part of a highway, or on a bikeway,*  
15 *bicycle path or trail, equestrian trail, hiking or recreational trail,*  
16 *or on public lands open to off-highway motor vehicle use.*

17     *SEC. 3. Section 21721 is added to the Vehicle Code, to read:*

18     21721. (a) *A peace officer, as defined in Chapter 4.5*  
19 *(commencing with Section 830) of Title 3 of Part 2 of the Penal*  
20 *Code, may cause the removal and seizure of a pocket bike, upon*  
21 *the notice to appear for a violation of Section 21720. A pocket*  
22 *bike so seized shall be held for a minimum of 48 hours.*

23     (b) *A violator of this section shall be responsible for all costs*  
24 *associated with the removal, seizure, and storage of the pocket*  
25 *bike.*

26     (c) *A city, county, or city and county may adopt a regulation,*  
27 *ordinance, or resolution imposing charges equal to its*  
28 *administrative costs relating to the removal, seizure, and storage*  
29 *costs of a pocket bike. The charges shall not exceed the actual*  
30 *costs incurred for the expenses directly related to removing,*  
31 *seizing, and storing a pocket bike.*

32     (d) *An agency shall release a seized pocket bike to the owner,*  
33 *violation, or the violator’s agent after 48 hours, if all of the*  
34 *following conditions are met:*

35     (1) *The violator or authorized agent’s request is made during*  
36 *normal business hours.*

37     (2) *The applicable removal, seizure, and storage costs have*  
38 *been paid by the owner, or any other responsible party.*

1     *SEC. 4. No reimbursement is required by this act pursuant to*  
2     *Section 6 of Article XIII B of the California Constitution because*  
3     *the only costs that may be incurred by a local agency or school*  
4     *district will be incurred because this act creates a new crime or*  
5     *infraction, eliminates a crime or infraction, or changes the*  
6     *penalty for a crime or infraction, within the meaning of Section*  
7     *17556 of the Government Code, or changes the definition of a*  
8     *crime within the meaning of Section 6 of Article XIII B of the*  
9     *California Constitution.*

10    ~~SECTION 1. Section 430.5 is added to the Vehicle Code, to~~  
11    ~~read:~~

12    ~~430.5. (a) A “nonhighway vehicle” is a vehicle that is not~~  
13    ~~manufactured or designed for highway use. A nonhighway~~  
14    ~~vehicle includes, but is not limited to, a vehicle commonly~~  
15    ~~known as a “pocket bike.”~~

16    ~~(b) A vehicle is designed for highway use if it meets all federal~~  
17    ~~motor vehicle safety standards contained in Part 571 of Title 49~~  
18    ~~of the Code of Federal Regulations, and as required by this code.~~

19    ~~SEC. 2. Section 9955 is added to the Vehicle Code, to read:~~

20    ~~9955. (a) A manufacturer who furnishes or gives a~~  
21    ~~nonhighway vehicle shall affix on the vehicle a sticker with a~~  
22    ~~disclosure that the vehicle is prohibited from being operated on a~~  
23    ~~highway.~~

24    ~~(b) The disclosure required under subdivision (a) shall meet~~  
25    ~~both of the following requirements:~~

26    ~~(1) Be printed in not less than 14-point boldface type on a~~  
27    ~~sticker that contains only the disclosure.~~

28    ~~(2) Include the following statement:~~

29    ~~“THE VEHICLE YOU HAVE PURCHASED OR~~  
30    ~~OBTAINED IS DEFINED AS A NONHIGHWAY VEHICLE.~~  
31    ~~IT IS STRICTLY PROHIBITED FROM BEING OPERATED~~  
32    ~~ON PUBLIC STREETS, HIGHWAYS, AND BICYCLE~~  
33    ~~LANES. IT IS ALSO PROHIBITED FROM BEING~~  
34    ~~OPERATED ON SIDEWALKS, RECREATIONAL PATHS OR~~  
35    ~~TRAILS, AND PUBLIC LANDS. A VIOLATION OF THIS~~  
36    ~~REGULATION MAY RESULT IN PROSECUTION AND~~  
37    ~~IMPOUNDMENT OF THE VEHICLE.”~~

38    ~~SEC. 3. Section 24002 of the Vehicle Code is amended to~~  
39    ~~read:~~

1     ~~24002. (a) It is unlawful to operate a vehicle or combination~~  
2 ~~of vehicles that is in an unsafe condition, or that is not safely~~  
3 ~~loaded, and that presents an immediate safety hazard.~~

4     ~~(b) It is unlawful to operate a vehicle or combination of~~  
5 ~~vehicles that is not equipped as provided in this code.~~

6     ~~(c) It is unlawful to operate a nonhighway vehicle on a~~  
7 ~~highway.~~

8     ~~SEC. 4. Section 24004.5 is added to the Vehicle Code, to~~  
9 ~~read:~~

10     ~~24004.5. (a) A peace officer, as defined in Chapter 4.5~~  
11 ~~(commencing with Section 830) of Title 3 of Part 2 of the Penal~~  
12 ~~Code, may cause the removal and impoundment of a nonhighway~~  
13 ~~vehicle upon the issuance of a notice to appear for a violation of~~  
14 ~~subdivision (c) of Section 24002. A vehicle so seized may be~~  
15 ~~impounded for not more than 48 hours.~~

16     ~~(b) The violator is responsible for all towing and storage~~  
17 ~~charges related to the impoundment.~~

18     ~~SEC. 5. No reimbursement is required by this act pursuant to~~  
19 ~~Section 6 of Article XIII B of the California Constitution because~~  
20 ~~the only costs that may be incurred by a local agency or school~~  
21 ~~district will be incurred because this act creates a new crime or~~  
22 ~~infraction, eliminates a crime or infraction, or changes the~~  
23 ~~penalty for a crime or infraction, within the meaning of Section~~  
24 ~~17556 of the Government Code, or changes the definition of a~~  
25 ~~crime within the meaning of Section 6 of Article XIII B of the~~  
26 ~~California Constitution.~~